

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:23-cv-897**

IN RE: CAMP LEJEUNE TOXIC WATER
EXPOSURE LITIGATION

This document relates to:

ALL CASES

**PLAINTIFFS' MOTION TO
RECONSIDER ORDER DENYING
PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF CERTAIN DIGITIZED
MUSTER ROLLS**

Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Plaintiffs' Leadership Group ("PLG") respectfully requests that the Court reconsider its Order [D.E. 157] denying as moot the PLG's Motion To Compel Production Of Certain Digitized Muster Rolls (the "Motion to Compel") [D.E. 141].¹

Prior to filing the Motion to Compel, the PLG learned that the United States Marine Corps ("USMC") and the United States Department of Veterans Affairs ("VA") partnered on a muster roll digitization project specifically related to Camp Lejeune. The digitization project took place from 2013 to 2015 and involved the digitization of almost 61 million pages of muster rolls generated from 1940 to 2005 and specific to Camp Lejeune (the "Project"). Specifically, the Project involved the (a) digitization of muster rolls (b) specifically related to Camp Lejeune (c) covering the period of 1940 to 2005 (d) spanning 61 million pages of records (e) *that are searchable for individual service members*.

¹ The PLG filed a memorandum in support of the Motion to Compel, to which it attached various exhibits. [D.E. 141].

The PLG propounded its First Request for Production of Documents (the “First Request”) was served on September 28, 2023. [D.E. 81-2], with Request No. 3 seeking documents regarding the Project:

3. Please produce the ESI, as defined herein, and data created as a result of the digitizing of the 61 million pages of USMC Camp Lejeune Muster Rolls representing over 5 million unique Service Members who were stationed at Camp Lejeune from the 1950s to 1971 which was performed by the USMC via contract beginning in 2013 and completed by December 2015 based on the 2013, 2014, and 2015 VA/DoD Executive Committee Annual Reports.

[D.E. 81-3, at p 6].²

Defendant opposed the Motion to Compel on the ground that Defendant had already committed to producing the existing digitized muster rolls and related database in its possession by the end of March 2024. [D.E. 150]. Defendant further advised that “[c]ontrary to PLG’s expectation, the present muster rolls on the NAS are not searchable by name. Moreover, there are no expectations that the current USMC digitization project will produce a database that is searchable by name to readily produce muster roll information (without multiple searches or selections).” [D.E. 150]

Newly discovered evidence indicates that the Project or at least a nearly identical project to digitize personnel records for Camp Lejeune to create a searchable database exists and has not been provided to the PLG. In an undated presentation on the toxic water at Camp Lejeune, the VA identified the following registry as being currently available:

Marine Corps Unit Diary Database (MUDD) (1940-2005) - From 2014 to 2015, the Marine Corps scanned ~69 million images of historic Muster Rolls (microfilm and microfiche) that were located at MCB Quantico and the National Archives. The images are in a searchable database by year, description, RUG or SSN, organizational unit, location, MMSB reel number (if applicable); and/or through a Full Text search. A search tool was developed for 1950-1990 to facilitate queries.

² As noted in the Motion to Compel, the PLG withdrew the above-quoted request for electronically stored information—i.e., electronic data that must be searched for and identified. Thus, the PLG only requested the specific digital muster rolls generated during the Project.

A copy of the presentation is attached to the accompanying Memorandum in Support of this Motion as Exhibit A. The MUDD database appears to be the Project or what the PLG understood the Project to achieve.

Accordingly, PLG respectfully requests that the Court compel the government to produce the MUDD database, and for such other and further relief as the Court deems just and proper.

Date: May 3, 2024

Respectfully Submitted

/s/ J. Edward Bell, III

J. Edward Bell, III (admitted pro hac vice)
Bell Legal Group, LLC
219 Ridge St.
Georgetown, SC 29440
Telephone: (843) 546-2408
jeb@belllegalgroup.com
Lead Counsel for Plaintiffs

/s/ Elizabeth Cabraser

Elizabeth Cabraser (admitted pro hac vice)
Lief Cabraser Heimann & Bernstein, LLP
275 Battery Street, Suite 2900
San Francisco, CA 94111
Phone (415) 956-1000
ecabraser@lchb.com
Co-Lead Counsel for Plaintiffs

/s/ Robin Greenwald

Robin L. Greenwald (admitted pro hac vice)
Weitz & Luxenberg, P.C.
700 Broadway
New York, NY 10003
Telephone: 212-558-5802
rgreenwald@weitzlux.com
Co-Lead Counsel for Plaintiffs

/s/ Mona Lisa Wallace

Mona Lisa Wallace (N.C. Bar No.: 009021)
Wallace & Graham, P.A.
525 North Main Street
Salisbury, North Carolina 28144
Tel: 704-633-5244

Co-Lead Counsel for Plaintiffs

/s/ Zina Bash

Zina Bash (admitted pro hac vice)
Keller Postman LLC
111 Congress Avenue, Ste. 500
Austin, TX 78701
Telephone: 956-345-9462
zina.bash@kellerpostman.com
*Co-Lead Counsel for Plaintiffs and
Government Liaison*

/s/ W. Michael Dowling

W. Michael Dowling (NC Bar No. 42790)
The Dowling Firm PLLC
Post Office Box 27843
Raleigh, North Carolina 27611
Telephone: (919) 529-3351
mike@dowlingfirm.com
Co-Lead Counsel for Plaintiffs

/s/ James A. Roberts, III

James A. Roberts, III (N.C. Bar No.: 10495)
Lewis & Roberts, PLLC
3700 Glenwood Avenue, Suite 410
P. O. Box 17529
Raleigh, NC 27619-7529
Telephone: (919) 981-0191
Fax: (919) 981-0199
jar@lewis-roberts.com
Co-Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, J. Edward Bell, III, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This the 3rd day of May, 2024.

/s/ J. Edward Bell, III_____

J. Edward Bell, III